

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362

Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665

Hon. David A. Faber

**NOTICE OF SECONDARY AUTHORITY REGARDING
MOTION FOR SUMMARY JUDGMENT RE NUISANCE**

Defendants respectfully submit the forthcoming article, *Opioid Litigation and The Law of Public Nuisance: A Preliminary Assessment*, by John C. P. Goldberg and Benjamin C. Zipursky, to be published this year in volume 70 of the DePaul Law Review. The article presents new scholarship on a central issue in this case: whether the alleged public nuisance in the opioid litigation involves interference with a public right.

Mr. Goldberg is Deputy Dean and Carter Professor of General Jurisprudence at Harvard Law School. As he discloses in the article, he also has received compensation for advising attorneys representing the City of Baltimore in opioid litigation against Defendants. Mr. Zipursky

is Professor of Law at Fordham University School of Law. Messrs. Goldberg and Zipursky are co-authors of *Recognizing Wrongs* (2020).

Dated: April 16, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 16th day of April, 2021, the foregoing “Notice of Supplemental Authority Regarding Motion for Summary Judgment Re Nuisance” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Steve Ruby
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